Pending court cases

†1457. SHRI RAM JETHMALANI:
DR. MURLI MANOHAR JOSHI:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that 2.92 crore cases were pending for judgement in various courts of the country as on June, 2008;

(b) if not, what was the number;

(c) the maximum number thereof in the year 2004; and

(d) the number out of these pending cases in which Union or State Government was one of the parties?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) 2,91,70,114 cases were pending in various courts of the country as on 30.6.08.

(c) 2,68,64,360 cases were pending in various courts of the country as on 31.12.04.

(d) No such data is being maintained centrally.

Status of Fast Track Courts

1458. SHRI KANJIBHAI PATEL:
SHRI NATUJI HALAJI THAKOR:
SHRI VIJAYKUMAR RUPANI:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that after September, 2006 Government discontinued the centrally sponsored scheme for Fast Track Courts (FTCs) functioning in States;

(b) if so, the reasons therefor;

(c) whether Government is aware that the grant-in-aid being provided to FTCs is very meagre, whereas the recurring and non-recurring expenditure is on very high side;

(d) whether Government is contemplating to raise the grant-in-aid to FTCs; and

(e) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) No, Sir.

(b) Does not arise.

(c) to (e) Some of the States have reported expenditure in excess of the grant-in-aid being provided by the Central Government. Central assistance under the scheme is provided as per the approved norm which is based on the recommendation of Eleventh Finance Commission. There is no proposal at present to revise the norm.

Interpretation of powers of Certiorari

1459. DR. ABHISHEK MANU SINGHVI: Will the Minister of LAW AND JUSTICE be pleased to state:

†Original notice of the question was received in Hindi.

(a) whether Government is aware of the recent ruling given by the Supreme Court that although the constitutional power of "Certiorari" is vested in the High Courts, it would be governed solely by the dictates of judicial conscience enriched by experience and practical wisdom of the Judges;

(b) if so, whether such a course would become subjective as "wisdom and experience" are personal attributes and are not well defined; and

(c) whether such a subjectivity adjudication would at times, deny justice to the relief seeker?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir, The Hon'ble Supreme Court in B.K. Muniraju *Vs.* State of Karnataka & Ors., 2008 (4) SCC 451, has *inter alia* made the following observations:

"As observed in Surya Dev Rai *Vs.* Ram Chander Rai (2003) 6 SCC 675 the exercise of jurisdiction under Articles 226 or 227 of the Constitution cannot be tied down in a straitjacket formula or rigid rules. To put it clear though the power is there but the exercise is discretionary which will be governed solely by the dictates of judicial conscience enriched by judicial experience and practical wisdom of the Judge."

(b) and (c) No, Sir. Each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect of the case.

Supreme Court Bench in South India

1460.PROF. P. J. KURIEN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has received representation to establish a Supreme Court Bench in South, preferably at Bangalore;

(b) if so, the details thereof;

(c) whether such proposal would help the people in the Southern States to get fair and speedy justice at lesser expenses; and

(d) if so, the steps Government would like to take in this regard?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir.

(b) Representations have been received from time to time from various sources, for establishment of Benches of the Supreme Court in various parts of the country. Suggestions have also been made by the Governments of Tamil Nadu, Andhra Pradesh, Karnataka, Tripura and West Bengal for establishment of Benches of the Supreme Court in the Southern/Eastern/North-Eastern parts of the country.

(c) and (d) The Chief Justice of India has informed that the Full Court, in its meeting held on 7th August, 2007, did not favour setting up of Benches of the Supreme Court outside Delhi. The Government can consider the matter after such a proposal/recommendation is received from the Chief Justice of India as per the provisions of Article 130 of the Constitution.

Reforms in judiciary

1461. SHRI KUMAR DEEPAK DAS: Will the Minister of LAW AND JUSTICE be pleased to state: